

Applicant: Erik Buntinx
Serial No.: 10/803,793
Filed: March 18, 2004
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REMARKS

Claims 49-50, 54-55, 72 and 92-93 were pending in the subject application. By this amendment, Claim 54 has been canceled without prejudice or disclaimer, and Claims 49, 50, 55, 72, 92 and 93 have been amended. Applicant maintains that the amendments do not raise an issue of new matter. Support for "therapeutically effective amount" can be found in the specification as originally filed at least, for example, in paragraph [00100] on page 24 and in paragraph [00104] on page 25. Support for the rest of the amendments can be found at least in the previous version of the claims. Entry of the amendments is respectfully requested.

Allowable Subject Matter

Claims 50, 55, 92 and 93 are allowed.

The claims have herein above been amended to remove redundant, and therefore potentially confusing, phrases.

Rejections under 35 U.S.C. §103(a)

Claim 49 stand rejected as being unpatentable over Müller (Expert Opinion on Pharmacotherapy 3: 381-8, 2002) in view of Permax® prescribing information (2003), and Kuhajda (U.S. Patent No. 5,759,837).

Claim 72 stand rejected as being unpatentable over Müller in view of Nystrom et al. (US 5,635,213).

On page 5 of the Office Action, the Examiner indicated that the allowed claims differ from the rejected claims in that the rejected claims either do not limit the dopamine receptor agonist or do not recite the dosage amount.

Claim 49 specifies that the dopamine receptor agonist is selected from the group consisting of amantadine, bromocriptine, cabergoline lisuride, ropinirole and

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pramipexole. Claims 72 specifies the use of levodopa associated with benserazide. Both Claims 49 and 72 now require the use of a therapeutically effective amount of these specified compounds. Applicant respectfully maintains that therapeutically effective amounts of the specified compounds are known in the art. Examples of product information are enclosed for amantadine (Symmetrel), bromocriptine (Parlodel), cabergoline (Cabesar), ropinirole (Requip) and pramipexole (Mirapex), and levodopa/benserazide.

Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Status of U.S. Patent Family Members

Applicant would like to advise the Examiner of the status of co-pending patent family members.

1. U.S. Patent Application No. 10/725,965. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on January 23, 2008, September 15, 2008, and June 10, 2009.
2. U.S. Patent Application No. 10/752,423. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on October 2, 2007, May 13, 2008, February 19, 2009, and August 5, 2009.
3. U.S. Patent Application No. 10/984,683. The claims have been subject to a restriction requirement. Office Actions on the merits of the application issued on August 10, 2007, February 22, 2008, October 21, 2008, and July 21, 2009.
4. U.S. Patent Application No. 10/580,962. The claims have been subject to a restriction requirement. An Office Action on the merits of the application issued on June 2, 2009.

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Status of Related Canadian Application

Patent family member Canadian Patent Application No. 2,461,248 has been allowed. A copy of the Notice of Allowance is enclose with the Supplemental Information Disclosure Statement accompanying this reply.

Status of Related European Application

Applicant would like to direct the Examiner's attention to related European Patent Application No. 04025035.9. Enclosed is a copy of a February 19, 2009 Decision to grant a European patent based on the application and of a October 13, 2008 Communication indicating that the Examining Division of the European Patent Office intends to grant a European patent on the basis of the application as attached to the Communication.

Supplemental Information Disclosure Statement

This Supplemental Information Disclosure Statement (SIDS) is being submitted pursuant to 37 C.F.R. §1.97(c)(2) to supplement the IDSs filed on August 18, 2009, November 7, 2008, April 4, 2008, August 21, 2007, April 11, 2007 and August 10, 2005 in connection with the subject application.

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicant would like to direct the Examiner's attention to the references that are listed on the attached forms PTO/SB/08A-B. A copy of each non-U.S. patent documents is also attached.

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CONCLUSIONS

Applicant respectfully requests that the Examiner reconsider and withdraw the rejections in the November 10, 2009 Office Action, and earnestly solicits allowance of the claims under examination. If there are any minor matters preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

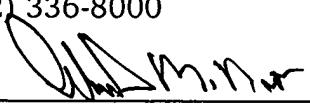
A check for \$180.00 is enclosed for the fee for submitting an Information Disclosure Statement. No other fee is deemed necessary in connection with the filing of this reply. However, if any other fee is required to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Please credit any overpayment to Deposit Account No. 01-1785.

Respectfully submitted,

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New York, New York

By


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